

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Re: ECF No. 21029 and 21812

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER  
AUTHORITY,

Debtor.

PROMESA

Title III

No. 17 BK 4780-LTS

Re: ECF No. 2822 and 2922

**This Court Filing Relates only to  
PREPA and Shall be Filed in the  
lead Case No. 17-BK-3283-LTS  
and PREPA's Title III Case (Case  
No. 17-BK-4780-LTS).**

**FOURTH URGENT CONSENSUAL MOTION FOR EXTENSION OF  
DEADLINES REGARDING VERIFIED MOTION OF WALTER M.  
HIGGINS FOR ALLOWANCE OF ADMINISTRATIVE EXPENSE CLAIM**

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico ("Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To The Honorable United States District Court Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), for itself and as representative of the Puerto Rico Electric Power Authority (“PREPA” or the “Debtor”) in this Title III case pursuant to section 315(b) of the *Puerto Rico Oversight, Management and Economic Stability Act* (“PROMESA”),<sup>2</sup> respectfully submits this urgent motion for an order further extending the briefing schedule related to the *Verified Motion of Walter M. Higgins for Allowance of Administrative Expense Claim* [ECF No. 21029 in Case No. 17-3283 and ECF No. 2822 in Case No. 17-4780] (the “Motion”) and represents as follows:

### **REQUEST FOR RELIEF**

1. On May 26, 2022, Walter M. Higgins (the “Movant”), filed the Motion, seeking payment of certain asserted administrative expenses, as described further in the Motion.

2. On May 26, 2022, the court entered the *Order Scheduling Briefing of Verified Motion of Walter M. Higgins for Allowance of Administrative Expense Claim* [ECF No. 21033 in Case No. 17-3283 and ECF No. 2825 in Case No. 17-4780] (the “Scheduling Order”), which established an initial deadline of June 9, 2022 at 5:00 p.m. (AST) for the filing of any opposition papers (the “Objection Deadline”) and an initial deadline of June 16, 2022 at 5:00 p.m. (AST) for the filing of the Movant’s reply papers (the “Reply Deadline”), with the Motion to be taken under submission without a hearing. The Objection Deadline and Reply Deadline have been extended three times since the entry of the Scheduling Order.

3. Most recently, on August 10, 2022, the Court entered the *Order Granting Third Urgent Consensual Motion for Extension of Deadlines Regarding Verified Motion of Walter M. Higgins for Allowance of Administrative Expense Claim* [ECF No. 21812 in Case No. 17-3283

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<sup>2</sup> PROMESA is codified at 48 U.S.C §§ 2101-2241.

and ECF No. 2922 in Case No. 17-4780], extending the Objection Deadline to August 31, 2022 at 5:00 p.m. (AST) and the Reply Deadline to September 7, 2022 at 5:00 p.m. (AST).

4. The Debtor submits this Urgent Motion to request an additional extension of the Objection Deadline and Reply Deadline to provide the Debtor with additional time to investigate certain factual assertions to prepare a fulsome response to the Motion and to continue exploring and negotiating a potential consensual resolution of Movant's claims. Accordingly, with the Movant's consent, the Debtor respectfully requests that the Court enter an order, substantially in the form attached hereto as **Exhibit A** (the "Proposed Order"), extending the Objection Deadline and Reply Deadline to **September 20, 2022 at 5:00 p.m. (prevailing Atlantic Time)**, and **September 27, 2022 at 5:00 p.m. (prevailing Atlantic Time)**, respectively.

5. The Debtor has discussed this request with counsel for the Movant, who has consented to the relief requested herein.

6. Pursuant to Paragraph I.H of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1 in Case No. 17-3283] (the "Case Management Procedures"), the Debtor hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

### **NOTICE**

7. The Debtor has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for PREPA's

bonds; (c) the administrative agent(s) for lenders under that certain Credit Agreement, dated as of May 4, 2012, among PREPA, Scotiabank de Puerto Rico, and the lenders party thereto, as amended, and that certain Trade Finance Facility Agreement, dated as July 20, 2012; (d) the statutory unsecured claimholders' committee appointed in this Title III Case; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to AAFAF; (g) the Puerto Rico Department of Justice; (h) the Puerto Rico Department of Justice; (i) the Movant; and (j) all parties filing a notice of appearance in this Title III case. A copy of the motion is also available on the Debtor's case website at <https://cases.ra.kroll.com/puertorico/>.

8. The Debtor submits that, in light of the nature of the relief requested herein, no other or further notice need be given.

WHEREFORE the Debtor requests the Court enter the Proposed Order and grant such other relief as is deemed just and proper.

Dated: August 31, 2022  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Paul V. Possinger

Martin J. Bienenstock  
Paul V. Possinger  
Ehud Barak

(Admitted *Pro Hac Vice*)

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*Attorneys for the Financial Oversight and  
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Management Board as representative for  
PREPA*

**CERTIFICATE OF SERVICE**

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer  
Hermann D. Bauer

**EXHIBIT A**

**Proposed Order**

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.<sup>1</sup>

PROMESA

Title III

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(Jointly Administered)

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THE FINANCIAL OVERSIGHT AND  
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PUERTO RICO ELECTRIC POWER  
AUTHORITY,

Debtor.

PROMESA

Title III

No. 17 BK 4780-LTS

Re: ECF Nos. 2822 & \_\_\_\_\_

**[PROPOSED] ORDER GRANTING FOURTH URGENT CONSENSUAL MOTION FOR  
EXTENSION OF DEADLINES REGARDING VERIFIED MOTION OF WALTER M.  
HIGGINS FOR ALLOWANCE OF ADMINISTRATIVE EXPENSE CLAIM**

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico ("Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Upon the *Fourth Urgent Consensual Motion for Extension of Deadlines Regarding Verified Motion of Walter M. Higgins for Allowance of Administrative Expense Claim* (Docket Entry No. \_\_\_\_ in Case No. 17-3283 and Docket Entry No. \_\_\_\_ in Case No. 17-4780, the “Urgent Motion”);<sup>2</sup> and the Court having found it has subject-matter jurisdiction over this matter pursuant to PROMESA section 306(a); and it appearing that venue in this district is proper pursuant to PROMESA section 307(a); and the Court having found the Debtor provided adequate and appropriate notice of the Urgent Motion under the circumstances and no other or further notice is required; and upon the record herein, after due deliberation thereon, the Court having found good and sufficient cause exists for the granting of the relief as set forth herein:

1. The Urgent Motion is **GRANTED** as set forth herein.
2. The Scheduling Order shall be modified as provided herein.
3. The following briefing schedule is set for filing responsive pleadings to the

Motion:

- The deadline for parties to file an opposition to the Motion shall be **September 20, 2022 at 5:00 p.m. (AST)**.
  - The deadline for the Movant to file a reply to all oppositions and responses shall be **September 27, 2022 at 5:00 p.m. (AST)**.
4. The Court will thereafter take the Motion on submission.
  5. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Dated: \_\_\_\_\_, 2022.

SO ORDERED:

\_\_\_\_\_  
HONORABLE LAURA TAYLOR SWAIN  
United States District Judge

<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meanings given to them in the Urgent Motion.